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In re Application of	:	
Corts et al.	:	
Application No. 09/839,451	:	
Filed: April 20, 2001	:	SUA SPONTE EXERCISE
Attorney Docket No.: 1003-001	:	OF
For: SYSTEM AND METHOD FOR	:	SUPERVISORY REVIEW
GENERATING MULTIMEDIA	:	
ACCOMPANIMENTS TO BROADCAST	:	
DATA	:	

A sua sponte review of the above-noted application file has been conducted. As a result, it has been determined that certain errors on the part of the Office have occurred. In particular, it has been determined that the holding of abandonment mailed August 24, 2009 was premature. The purpose of this communication is to correct this error and clarify the record.

A review of the record reveals that a Final rejection was mailed February 20, 2009 setting a three month shortened statutory period for response from the date of mailing. This Office action was returned as not deliverable. As a result, the Final rejection was remailed on March 27, 2009 setting a new three month shortened statutory period for response from this date of mailing. The remailed Office was also returned as not deliverable. A Notice of Abandonment was mailed as noted above on August 24, 2009 for failure to properly reply to the Final rejection mailed February 20, 2009. Despite the returned mail, a Request for Continued Examination (RCE) was filed on August 26, 2009 along with an extension of time and an amendment cancelling claims and adding new claims.

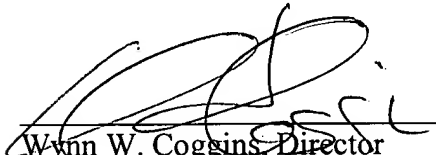
Although the RCE and amendment was filed after six months from the mailing date of the February 20, 2009 Final rejection, the RCE and amendment were filed with an appropriate extension to be considered a timely response to the Final rejection mailed March 27, 2009 that had set a new time period for response.

As a result, any holding of abandonment by the examiner based upon the first mailed Final rejection was premature and thus not proper. Accordingly, the holding of abandonment mailed August 24, 2009 is hereby **VACATED**.

A subsequent petition to withdraw the holding of abandonment was filed by the applicant on November 17, 2009. In view of the above-noted vacating of the holding of abandonment, this petition is **DISMISSED as Moot**.

The RCE and associated papers, being timely filed, will thus be entered and forwarded to the examiner for appropriate action on the merits.

Any questions regarding this decision should be directed to SPE Bob Weinhardt at (571) 272-6633.



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Rw/snm: 11/19/09

